

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Julian Phillips	Team: Squad #9	CCRB Case #: 201709447	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 11/06/2017 10:51 AM	Location of Incident: front of § 87(2)(b)	Precinct: 61	18 Mo. SOL 5/6/2019	EO SOL 5/6/2019	
Date/Time CV Reported Mon, 11/06/2017 10:00 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 11/14/2017 10:59 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Craig Malamed	10938	922579	061 PCT
2. POM Steven Giannopoulos	12184	930212	061 PCT
3. POM Jose Quinones	28204	925952	061 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Steven Giannopoulos	Abuse: Police Officer Steven Giannopoulos stopped § 87(2)(b)	§ 87(2)(b)
B.POM Craig Malamed	Abuse: Police Officer Craig Malamed stopped § 87(2)(b)	§ 87(2)(b)
C.POM Jose Quinones	Abuse: Police Officer Jose Quinones stopped § 87(2)(b)	§ 87(2)(b)
D.POM Craig Malamed	Force: Police Officer Craig Malamed used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Craig Malamed	Force: Police Officer Craig Malamed restricted § 87(2)(b)'s breathing.	§ 87(2)(b)
F.POM Craig Malamed	Discourtesy: Police Officer Craig Malamed spoke discourteously to § 87(2)(b)	§ 87(2)(b)
G.POM Craig Malamed	Abuse: Police Officer Craig Malamed refused to provide his name and shield number to § 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Case Summary

On November 6, 2017, § 87(2)(b) filed this complaint with the NYPD's Internal Affairs Bureau on behalf of her daughter, § 87(2)(b) generating the original log number 17-43807. § 87(2)(b) did not witness the incident. On November 14, 2018, IAB forwarded this complaint to the CCRB.

On November 6, 2017 at approximately 10:51 a.m., Police Officer Steven Giannopoulos, Police Officer Craig Malamed, and Police Officer Jose Quinones (all of the 61 Precinct) stopped § 87(2)(b) in front of § 87(2)(b) in Brooklyn (**Allegations A through C: Abuse of Authority; § 87(2)(g)** PO Malamed approached § 87(2)(b) and allegedly pressed his forearm against her chest, forcing her against a fence and allegedly restricting her breathing (**Allegations D and E: Force; § 87(2)(g)** § 87(2)(b) provided her identification to PO Malamed, who reviewed it and allegedly said "that shit is fake" (**Allegation F: Discourtesy; § 87(2)(g)** § 87(2)(b) allegedly asked PO Malamed for his name and shield number multiple times, both at the scene of the incident and some minutes later inside the school vestibule, but PO Malamed allegedly ignored these requests (**Allegation G: Abuse of Authority; § 87(2)(g)** § 87(4-b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Steven Giannopoulos stopped § 87(2)(b)

§ 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Craig Malamed stopped § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Jose Quinones stopped § 87(2)(b)

In her sworn statement to the CCRB (01 Board Review), § 87(2)(b) stated that, at approximately 10:40 a.m., she was walking in the direction of § 87(2)(b) located inside § 87(2)(b) in Brooklyn, and was less than one block from the school. § 87(2)(b)'s school day was scheduled to begin at 10:50 a.m. § 87(2)(b) was § 87(2)(b) old, stood approximately 5'1" tall, weighed approximately 105 pounds, and was carrying a small backpack coated in silver glitter. Three officers drove up to § 87(2)(b) and an officer, identified by the investigation as PO Malamed, verbally asked § 87(2)(b) to approach the police vehicle. § 87(2)(b) ignored several verbal requests from PO Malamed before he exited the vehicle and physically forced her to stop by pushing her against a fence with his forearm.

PO Giannopoulos, PO Malamed, and PO Quinones provided generally consistent statements to the CCRB (02 Board Review; 03 Board Review; 04 Board Review). The officers stated that they were conducting a patrol for truant students, and were in an area that is frequented by truants, when they observed § 87(2)(b). All three officers stated that they did not immediately recognize § 87(2)(b) and all three further stated that she appeared to be under the age of 18 and therefore

potentially truant from school. The officers approached § 87(2)(b) in order to determine if she was truant from school, and PO Malamed verbally asked her to approach the vehicle.

Procedure 215-07 of the NYPD Patrol Guide advises officers that, with limited exceptions, “each minor from six to seventeen years of age in New York City is required to attend school on a full time basis,” and further advises that, if an individual is determined to be truant from school under these guidelines, the officer should “take the minor into custody and deliver” him or her to the relevant school (05 Board Review).

§ 87(2)(g)

Allegation (D) Force: Police Officer Craig Malamed used physical force against § 87(2)(b)

Allegation (E) Force: Police Officer Craig Malamed restricted § 87(2)(b)s breathing.

In her sworn statement to the CCRB, § 87(2)(b) stated that, after she had ignored several verbal requests to stop, PO Malamed approached her, pressed his forearm against her chest, and forced her back against an adjacent fence. PO Malamed and § 87(2)(b) remained in this position for approximately five minutes, during which time she experienced difficulty breathing due to a combination of the pressure applied to her chest area and an elevated heart rate provoked by the stress of the situation, which aggravated a preexisting medical condition.

In his statement to the CCRB, PO Malamed asserted that, after verbally asking § 87(2)(b) to stop multiple times, he exited his vehicle, and stood directly in her path. § 87(2)(b) then stopped walking and engaged in a brief conversation with PO Malamed before leaning against the adjacent fence and placing a telephone call. PO Malamed denied making any physical contact with § 87(2)(b) and specifically denied pressing his forearm against her chest and holding her against the fence.

The statements of PO Giannopoulos and PO Quinones to the CCRB were consistent with that of PO Malamed. PO Quinones denied that PO Malamed made any physical contact with § 87(2)(b) including pressing his forearm against her chest and holding her against the fence, while PO Giannopoulos stated that he did not recall this.

§ 87(2)(g)

§ 87(2)(g)

Allegation (F) Discourtesy: Police Officer Craig Malamed spoke discourteously to § 87(2)(b)

In her sworn statement to the CCRB, § 87(2)(b) stated that, as she was standing with her back against the fence with PO Malamed's forearm pressed against her chest, she reached into her pocket, removed her identification card, and provided it to PO Malamed. PO Malamed then audibly recited § 87(2)(b)'s name and date of birth, and said "that shit is fake."

In his statement to the CCRB, PO Malamed stated that, after § 87(2)(b) concluded her telephone call, she handed him her identification card, which he reviewed for approximately 30 seconds without making any verbal comment. PO Malamed then returned the card to § 87(2)(b) and verbally informed her that she was free to go. PO Malamed denied saying "that shit is fake" or otherwise using the word shit or any other profanity.

The statements of PO Giannopoulos and PO Quinones to the CCRB were consistent with that of PO Malamed. PO Giannopoulos and PO Quinones stated that they did not recall what, if anything, PO Malamed said upon reviewing § 87(2)(b)'s identification. PO Giannopoulos further stated that he did not recall PO Malamed saying "that shit is fake" or otherwise using the word shit or other profanity, while PO Quinones denied that this occurred.

§ 87(2)(g)

Allegation (G) Abuse of Authority: Police Officer Craig Malamed refused to provide his name and shield number to § 87(2)(b)

In her sworn statement to the CCRB, § 87(2)(b) stated that, after PO Malamed returned her identification, she verbally requested his badge number. PO Malamed looked at her and, without saying anything, walked away. Some seconds later, § 87(2)(b) was standing in the vestibule of § 87(2)(b) when PO Malamed walked past her. As he was passing, § 87(2)(b) repeatedly verbally requested PO Malamed's badge number, but PO Malamed did not reply.

In a sworn statement to the CCRB, § 87(2)(b) who was working at § 87(2)(b) at the time of the incident and whose memo book indicated that he was at the front entrance to the school at the time of the incident, stated that he did not witness any interaction between § 87(2)(b) and an officer (15 Board Review).

In his statement to the CCRB, PO Malamed denied that § 87(2)(b) ever verbally requested his name or shield number, and he further denied ever failing to respond to such a request.

The statements of PO Giannopoulos and PO Quinones to the CCRB were consistent with that of PO Malamed. PO Giannopoulos stated that he did not recall hearing § 87(2)(b) request PO Malamed's name or shield number, and he did not recall PO Malamed failing to respond to such a request, while PO Quinones denied that PO Malamed ever received or failed to respond to a request for his name and shield number.

§ 87(2)(g)
[REDACTED]

§ 87(4-b), § 87(2)(g)
[REDACTED]

§ 87(2)(g), § 87(4-b)
[REDACTED]

[REDACTED]

[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint in which § 87(2)(b) was involved (10 Board Review).
- PO Giannopoulos has been a member of the NYPD for 15 years and has no prior CCRB allegations (11 Board Review).

- PO Malamed has been a member of the NYPD for nineteen years and has 30 prior CCRB allegations, involving 12 cases with two substantiated allegations (12 Board Review).
 - In CCRB case 200107856, PO Malamed was alleged to have made a warrantless entry into an apartment and used physical force in arresting one of the residents. These allegations were substantiated and PO Malamed received a penalty of 20 lost vacation days.
 - In CCRB case 200507659, PO Malamed was alleged to have failed to provide his shield number to a civilian upon request. This allegation was closed as unfounded.
 - In CCRB case 201402016, PO Malamed was alleged to have stopped a § 87(2)(b) year-old man who was returning from school. This allegation was closed as complainant uncooperative.
- PO Quinones has been a member of the NYPD for 17 years and has seven prior CCRB allegations involving four cases with no substantiated allegations (13 Board Review). § 87(2)(b)

Mediation, Civil and Criminal Histories

- Mediation was offered to § 87(2)(b) at the time she provided her sworn statement to the CCRB. § 87(2)(b) rejected mediation.
- § 87(2)(b) § 87(2)(c)
- A Freedom of Information Law request for Notice of Claim was submitted to the office of the New York City comptroller on February 9, 2018. Any responsive Notice of Claim will be added to the case file upon receipt.

Squad No.: _____

Investigator:	_____	_____	_____
	Signature	Print Title & Name	Date

Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date

Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date